

REMARKS

Claims 1-21 remain in the application.

Paragraph 0018 is amended to overcome an objection to the specification, as discussed below.

The Examiner indicates that the Information Disclosure Statement filed December 20, 2004, fails to comply with 37 CFR 1.98(a)(2) in that no copies of any of the EP references listed thereon were provided.

Applicants' undersigned representative apologizes for the failure to include copies of these references with the filed IDS. A copy of the following EP references is provided herewith:

EP 0 083 463 A1	Maze
EP 1 157 847 A1	Hanmura et al
EP 1 219 457 A1	Kahoh et al.

Consideration of these reference is respectfully requested.

The Examiner objects to the specification under 37 CFR 1.75(d)(1) and MPEP 609.01(o), on the basis that the phrase "wherein said carboxylic acids are mono- or polycarboxylic acids having 20 carbons or less" in Claims 3, 10, and 17. The Examiner notes that page 6, lines 5 and 6 of the specification only describe acetic, adipic, and succinic acids. The Examiner suggests incorporating this phrase into the specification.

The Examiner is thanked for pointing out the lack of antecedent basis. Applicants have amended paragraph 0018 to provide the necessary antecedent basis to Claims 3, 10, and 17.

Reconsideration of the objection to the specification is respectfully requested.

Claims 1-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-4, 8, 10-16, 19, 20, and 22-24 of copending Application No. 10/870,844 (U.S. Publication 2005/0025915).

Applicants respectfully decline to provide a Terminal Disclaimer to overcome this provisional rejection, on the basis that the '844 application is a continuation-in-part of the present application. The filing papers of the '844 application clearly establish the connection. Applicants assert that it would be inappropriate to treat the present appli-

cation as being dominated by the '844 application, which is later in time and is a CIP of the present application.

Claims 1-21 are rejected under 35 USC 102(e) as being anticipated by Fukumoto et al (U.S. Publication No. 2004/0003755 A1).

Fukumoto et al disclose ink compositions, an inkjet recording method using the same, and recorded matter. The ink composition comprises water, a cyan dye, and an aromatic compound having a carboxyl group and/or a salt thereof.

Applicants' invention, which is embodied in independent Claims 1, 8, and 15, involves at least reducing bronzing of ink printed onto a print media

"having an ink-receiving layer thereon that includes an alumina-based or a silica-based coating, said print media having a first pH, said inkjet ink having a second pH and comprising a vehicle and a colorant, said vehicle comprising at least one co-solvent and said colorant comprising at least one dye, said inkjet ink further containing at least one anti-bronzing additive having a pKa that is above said first pH of said print media and less than said second pH of said ink, said anti-bronzing additive being present in an effective concentration to at least reduce bronzing of said dye on said print media."

The Examiner argues that Fukumoto et al disclose Applicants' invention, but for the alumina- or silica-based coating and the anti-bronzing additive has a pKa value that is 1 below that of the dye. The Examiner asserts that these limitations are inherent in Fukumoto et al.

Applicants' claims specifically recite the pKa and pH relationships. As the Examiner acknowledges, Fukumoto et al fail to disclose these relationships. As to the inherency argument, Applicants note that Fukumoto et al disclose only aromatic carboxylic acids and/or salts thereof. Applicants' disclosed and claimed carboxylic acids are all aliphatic, and there is no disclosure or suggestion by Fukumoto et al that aliphatic carboxylic acids could simply be substituted for aromatic carboxylic acids. Specifically, with dyes being aromatic, there is no question but that aromatic carboxylic acids would interact differently with aromatic dyes on glossy print media than aliphatic carboxylic acids would. In this connection, the Examiner's attention is respectfully directed to paragraph 0020.

Further, the carboxylic acids are monocarboxylic and polycarboxylic acids having 20 carbon atoms or less. There is no disclosure or suggestion by Fukumoto et al that their aromatic carboxylic acids encompass monocarboxylic and polycarboxylic acids having 20 carbon atoms or less.

A rejection under 35 USC 102 of anticipation requires disclosure of each and every element in a single reference. Inasmuch as Fukumoto et al fail to disclose the pKa/pH relationship claimed by Applicants, then this rejection falls.

A Declaration under 37 CFR 1.131, executed by the inventors, establishes conception and reduction to practice of the invention claimed in the present application prior to the filing date (April 21, 2003) of Fukumoto et al reference. The 131 Declaration is considered to obviate the rejection.

Claims 1-6, 8-13, and 15-20 are rejected under 35 USC 102(e) as being anticipated by Adamic et al (U.S. Patent 5,062,893).

Adamic et al, cited by Applicants in their Information Disclosure Statement filed with the application papers, disclose ink formulations by mixing anioinic waterfast dyes containing two or more carboxyl groups. This reference is cited for its discussion of bronzing.

Applicants' independent claims are discussed above.

The Examiner argues that Adamic et al disclose all of the elements of Applicants' claimed invention, but for wherein the print media has an alumina- or silica-based coating. The Examiner considers this limitation to be inherent, on the basis that Gilbert Bond paper is "glossy photographic paper".

Gilbert Bond paper is plain paper, as is well-known, and in no way would be considered by those skilled in the art to be glossy photographic paper. There is no coating on Gilbert Bond paper and thus no "ink-receiving layer" that is separate and distinct, as there is with commercially-available glossy photographic papers. The Examiner's attention is respectfully directed to, e.g., the following website: www.duluthpaper.com/bondpapers.html, which states:

"Bond papers are designed for a variety of printing and office needs. Used primarily for letterhead, bond papers convey a company's personality and receive printing by typewriter, Xerographic machines and other office machines that will leave a lasting impression."

The following papers are listed:

- Artesian Bond 50% rag content
- Gilbert Bond 25% rag content
- Matterhorn #4 Sulphite
- Flambeau Bond #4 Sulphite
- Passport Script – Laser
- Royal Linen Writing
- Royal Fiber Writing
- Gilcrest Recycled Laid
- Gilbert Neu Tech

It is noted that Gilbert Bond paper is listed, with 25% rag content. A rag content is a clear indication that the paper is plain paper, not glossy coated print media.

Further, as stated in paragraph 0020, the bronzing effect noticed by Applicants on glossy photographic paper are not observed on plain papers, and the presence of the anti-bronzing additives, claimed in the present application, are not needed for printing on such plain papers.

One solution to solving the bronzing problem, discussed in paragraph 0003, is to raise the pH of the ink. This is the same solution disclosed by Adamic et al; indeed, the Adamic et al patent is referenced in the attached 131 Declaration in this connection.

However, Applicants' claimed solution is not to raise the pH of the ink. Rather, it is to provide the ink with at least one anti-bronzing agent having a pKa that is above the pH of the print media and less than the pH of the ink. Adamic et al do not disclose or discuss the relevance of the pKa/pH relationships, which are explicitly recited in Applicants' independent claims.

As the Examiner acknowledges, Applicants' independent claims, and hence the dependent claims, all recite print media having an ink-receiving layer thereon that includes an alumina-based or a silica-based coating. A rejection under 35 USC 102 of anticipation requires disclosure of each and every element in a single reference. Inasmuch as Adamic et al fail to disclose glossy photographic print media having an ink-receiving layer thereon, then this rejection falls.

Reconsideration of the rejection of Claims 1-6, 8-13, and 15-20 under 35 USC 102(e) as being anticipated by Adamic et al is respectfully requested.

The foregoing amendments and arguments are submitted to place the application in condition for allowance. The Examiner is respectfully requested to take such ac-

tion. If the Examiner has any questions, she is invited to contact the undersigned at the below-listed telephone number. HOWEVER, ALL WRITTEN COMMUNICATIONS SHOULD CONTINUE TO BE DIRECTED TO: IP ADMINISTRATION, LEGAL DEPARTMENT, M/S 35, HEWLETT-PACKARD COMPANY, P.O. BOX 272400, FORT COLLINS, CO 80527-2400.

Respectfully submitted,

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